

110th Congress
2d Session

H. RES. ____

Providing for consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes

1. Provides for consideration of the Senate amendment to H.R. 3773.
2. Makes in order a motion by the chairman of the Committee on the Judiciary to concur in the Senate amendment with the amendment printed in the report of the Rules Committee accompanying the resolution.
3. Waives all points of order against the motion except those arising under clause 10 of rule XXI.
4. Provides that the Senate amendment and the motion shall be considered as read.
5. Provides one hour of debate on the motion, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.
6. Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to a time designated by the Speaker.

RESOLUTION

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention

of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on the Judiciary or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

Sec. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SUMMARY OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT
TO H.R. 3773

The Amendment provides for flexible surveillance of terrorists and other targets overseas who may be communicating with Americans. Under the Amendment, surveillance programs can begin following court approval of procedures to ensure that Americans are not targeted and that intercepted communications are handled properly. It requires a court order based on probable cause in order to conduct surveillance against Americans at home and overseas. The Amendment provides for oversight by the Court, the Congress, and the independent Inspectors General, and confirms that the Foreign Intelligence Surveillance Act remains the exclusive means of conducting foreign intelligence surveillance.

The Amendment provides prospective liability protection for telecommunications companies that provide lawful assistance to the government. It addresses past activities under the President's Terrorist Surveillance Program by freeing telephone companies to argue existing defenses before the court in pending lawsuits, notwithstanding the Government's assertion of the state secrets doctrine.

Finally, the Amendment establishes a bipartisan commission – with subpoena power – to investigate and report to the American people on the Administration's warrantless surveillance activities.